

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EPN ENTERPRISES, INC. DBA 24/7
MEDSTAFF,

Plaintiff,

v.

AKKENCLOUD,

Defendant.

No. 2:22-cv-1420 DB

ORDER

On February 27, 2023, defendant filed an amended motion to dismiss and noticed the motion for hearing before the court on May 19, 2023.¹ (ECF No. 10.) Pursuant to Local Rule 230(c) plaintiff was to file an opposition or statement of non-opposition to defendant's motion not less "than fourteen (14) days after the motion was filed." Plaintiff, however, failed to file a timely opposition or statement of non-opposition.

Accordingly, on May 10, 2023, the court issued plaintiff an order to show cause as to why this action should not be dismissed due to lack of prosecution. (ECF No. 14.) On May 23, 2023, plaintiff filed a response. (ECF No. 16.) Therein, plaintiff explains simply that the parties "have
////

¹ Both parties have previously consented to Magistrate Judge jurisdiction over this action pursuant to 28 U.S.C. § 636(c). (See ECF No. 13.)

1 reached a tentative settlement of the case in full.” (Id. at 1.) That the parties have reached a
2 settlement, however, does not excuse plaintiff’s failure to comply with the Local Rules.

3 The failure of a party to comply with the Local Rules or any order of the Court “may be
4 grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or
5 within the inherent power of the Court.” Local Rule 110. Failure to comply with applicable rules
6 and law may be grounds for dismissal or any other sanction appropriate under the Local Rules.
7 Local Rule 183(a).

8 Accordingly, IT IS HEREBY ORDERED that attorney Joel Westbrook shall pay
9 sanctions in the amount of \$500. This sanction shall be paid by attorney Westbrook solely and
10 not the plaintiff. Counsel shall send a check payable to the Clerk of Court for the Eastern District
11 of California within fourteen days of the date of this order.

12 Dated: May 25, 2023

13
14 
15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20
21
22

23 DLB:6
24 DB/orders/orders.consent/epn1420.sanction.ord
25
26
27
28